

**DRVD  
CONFIDENTIAL REPORT**

**AN INVESTIGATION INTO ALLEGATIONS OF SEXUAL ABUSE**

**An eight year-old, deaf, African American, male student at the Virginia School for the Deaf and Blind in Staunton, Virginia, allegedly sexually abused by a VSDB-S staff person's boyfriend.**

**DRVD Case # 97-0081P  
Department for Rights of Virginians with Disabilities  
Fishersville Field Office  
Beth Chadwell, Advocate  
November 14, 1997**

**I. INTRODUCTION**

This report summarizes the findings of my investigation into the alleged sexual abuse of MJ, an eight year-old, deaf, African American, male student at the Virginia School for the Deaf and Blind in Staunton, Virginia ("VSDB-S"). MJ was allegedly sexually abused by a VSDB-S staff person's boyfriend between May and June of 1996.

At the time the case was opened by DRVD, the only allegation of which I was aware was that MJ had allegedly been sexually abused by a VSDB-S staff person's boyfriend. After reviewing MJ's VSDB-S record, I found that MJ had made other allegations regarding sexual abuse in the past - that he had been sexually abused by a black man at VSDB-S and that he had been sexually abused by his great aunt's boyfriend.

I investigated only the allegation that MJ was sexually abused by a VSDB-S staff person's boyfriend because: 1) the Virginia Department of Education ("VaDOE") was in the process of completing its investigation regarding the allegation that MJ was sexually abused by a black man at VSDB-S; and 2) the Roanoke Department of Social Services had already investigated the allegation that MJ was sexually abused by his great aunt's boyfriend and determined that that allegation was unfounded.

I conducted this investigation pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 1994.

My investigation included:

1. Review of MJ's records from VSDB-S;
2. Telephone conversations with a Virginia State Police investigator;
3. Several interviews with MJ's great aunt, his legal guardian;
4. Review of a medical report regarding the alleged sexual abuse of MJ;
5. Review of the Virginia Department of Education's ("VaDOE") Investigation Report of the alleged sexual abuse of MJ at VSDB-S; and
6. Personal interview with MJ.

## **I. THE INCIDENT**

On November 18, 1996, the spokesperson for the Parents Spearhead Committee ("PSC") at VSDB-S shared an anonymous letter that she had received with the Virginia State Board of Education during its monthly meeting. The letter identified two male students at VSDB-S as being possible victims of sexual abuse by an unnamed male visitor to campus. The male visitor was identified in the letter as being the boyfriend of a VSDB-S staff person. The boyfriend was described in the letter as having long blond hair and tattoos of naked women on his forearms. The letter said both male students were sent home for inappropriate sexual behavior after this man's presence on campus. Because MJ was identified as a possible victim of sexual abuse in the letter, DRVD opened a case.

The PSC spokesperson shared the letter with me on November 18, 1996. The letter said that a VSDB-S staff person had brought her boyfriend to work with her in the dorm at VSDB-S. The letter alleged that the staff person's boyfriend was responsible for boys in the dorm evidencing behavioral problems and inappropriate sexual behavior.

## **II. BACKGROUND**

At the time the incident allegedly occurred, MJ was an eight year-old, deaf, African American, male who was enrolled at VSDB-S at the onset of the 1994-1995 school year.

In addition to deafness, MJ also experienced hyperactivity and challenging behaviors, for which he took medication.

On September 10, 1996, at bedtime, MJ ran away from a VSDB-S staff person in the Price Hall dormitory. When he was found, MJ was restrained by several VSDB-S staff persons. VSDB-S staff contacted MJ's great aunt on September 11, 1996, informed her that MJ was being suspended, and requested that she pick him up from VSDB-S that day.

At the time DRVD opened the case, MJ resided in Roanoke, Virginia, with his great aunt, who was his legal guardian. I contacted MJ's great aunt on November

19, 1996 to discuss the alleged sexual abuse. She told me that she first noticed a change in MJ's behavior in June of 1996. She said MJ just "went off," defecated on himself, hid in the bushes, and ran around in the cold outside. She said that "something bad" happened to MJ for him to act that way.

MJ's great aunt also said that, because of MJ's natural mother's history of drug use, it was possible that MJ might have witnessed sexual activity in the past. MJ's great aunt also said that MJ had witnessed many abusive altercations between his mother and his mother's boyfriend.

### **III. CIRCUMSTANCES SURROUNDING THE INCIDENT**

#### **A. Investigations**

##### **1. Medical Exam**

MJ's great aunt took him to a physician "who specializes in sexual abuse cases" at their local community hospital. MJ was examined by the physician on September 13, 1996. The report indicated that MJ's behavioral changes could be due to molestation, but that his physical examination revealed no evidence of sexual abuse.

##### **2. Virginia Department of Education**

In response to the letter given to the Virginia Board of Education on November 18, 1996 identifying MJ as a possible victim of sexual abuse by a VSDB-S staff person's boyfriend, a compliance officer for VaDOE investigated the alleged incident. VaDOE conducted a three-day on-site investigation. The investigation included reviewing selected records, policies and procedures, interviewing selected staff, administrators, and students, and visiting Price Hall dormitory where MJ was a resident.

VaDOE's investigation report found that:

The VSDB-S staff person's boyfriend accompanied her twice to campus activities. On May 23, 1996, he was with her during her regular 3:00 PM -11:00 PM shift. During that time, the children experienced routine and evening activities, including attending a school play. Both boys identified in the letter were present. On June 1, 1996, the staff person's boyfriend accompanied her and the students on a school outing to the pool and restaurant. The other

student identified in the letter did not attend this event. (VaDOE Investigation Report, February 18, 1997, Page 3)

VaDOE's investigation report concluded that there was no evidence the VSDB-S staff person's boyfriend harmed MJ for the following reasons:

- There was no identifiable opportunity for him to have been alone with any of the boys.
  - To date, MJ has not acknowledged or referenced this male. Interviews with all boys in the VSDB-S staff person's group revealed no information to suspect this male or to suggest that he did anything inappropriate with any of the boys.
  - It is highly improbable that he was on campus long enough to adversely influence the boys.
  - While there is a possibility that he may have visited or returned to campus, the fact is, that no house parent or student can verify his presence on campus. Given his physical description and accent, it seems that he would have been easy to identify.
  - A review of MJ's record revealed that whatever behavioral issues existed after his presence on campus were actually present before his visit.
  - While not dismissing the fact that the Kentucky police later arrested this individual, there is no direct correlation between the arrest and his earlier presence on the VSDB-S campus. The pornographic pictures found in his possession at the time of his arrest were not of the VSDB-S boys. As noted above, there was no identified opportunity for him to have been alone with any of the boys. Moreover, please be advised that the Standards do not require background checks on visitors. Although the later arrest may presently call into question this man's character, we have been provided no evidence that his character was in question, or should have been questioned during his campus visits.
- (VaDOE Investigation Report, February 18, 1997, Page 4)

### **3. Virginia State Police**

As of the date of this report, the Virginia State Police have not completed their final report regarding the alleged sexual abuse of MJ by the VSDB-S staff person's boyfriend. During a telephone conversation on January 23, 1997, the Virginia State Police investigator told me she had conducted an interview with MJ at his home in Roanoke, Virginia, with the aid of two interpreters. The

Virginia State Police investigator said that her interview with MJ did not produce any evidence to substantiate the alleged sexual abuse of MJ by the VSDB-S staff person's boyfriend.

#### **4. Personal Interview With MJ**

My interview with MJ did not provide any evidence to support the alleged sexual abuse of MJ by the VSDB-S staff person's boyfriend. When I asked him if anyone had hurt him at VSDB-S, he said no. He told me no adult had touched him in any private place and that he did not know anyone with pictures (tattoos) of women on their arms.

MJ did tell me that the VSDB-S dormitories were a "bad place" and that the kids there are bad and fight a lot. During the course of the interview, MJ displayed continuous hyperactivity and some physically aggressive as well as sexually inappropriate behaviors. When I got ready to leave, MJ became upset and attempted to kick me down the stairs. He ran outside, picked up a glass bottle, and threw it at me as I got into my car.

#### **B. MJ's VSDB-S Record**

MJ's record at VSDB-S included numerous incident reports, dating back to 1994, which indicated that he had behavior problems for quite some time before his suspension on September 11, 1996. These behaviors were characterized as hitting, kicking, and threatening staff and students. Several reports also included sexual situations with other students.

An incident report, dated November 3, 1994, described MJ on the playground as kicking and hitting another student. When he was disciplined for this behavior, he kicked the staff person in the stomach and bit her hand. Another incident report, dated April 12, 1995, indicated that MJ argued with another student, became upset, hit the student in the stomach and kicked him. An incident report, dated September 14, 1995, described MJ as refusing to go to bed. When staff persisted in trying to get MJ to go to bed, he threw his slippers at the staff person, hit another staff person in the face with a plastic toy, chased her with a belt, and tried to hit her with it.

An April 1, 1996 incident report described MJ as hitting another student in the eye and throwing him off a couch onto the floor. An incident report dated May 19, 1996 indicated that MJ spat water in a staff person's face and threw a cup of hot water in her face. An incident report, dated

September 3, 1996, said that when MJ's great aunt brought him back to VSDB-S at the start of the new school year, she reported that she had had problems with him over the summer.

An incident report, dated March 10, 1996, indicated that MJ and another student were in the tub area of their bedroom with the door closed and their pants down. Another incident report, dated June 5, 1996, indicated that a male student reported to VSDB-S staff that MJ asked him for sex.

#### **IV. FINDINGS AND CONCLUSIONS**

As a result of my investigation, I conclude that MJ was not sexually abused at VSDB-S by the VSDB-S staff person's boyfriend. In reaching this conclusion, I considered that:

1. MJ's medical examination on September 13, 1996 revealed no physical signs of sexual abuse;
2. MJ did not mention the VSDB-S staff person's boyfriend during our interview, told me that no adult had touched him in any private place, and said that he did not know anyone with tattoos of women on their arms;
3. MJ did not mention the VSDB-S staff person's boyfriend to the State Police Investigator who interviewed him concerning the alleged sexual abuse;
4. VaDOE's investigation concluded that there was no evidence that the VSDB-S staff person's boyfriend harmed MJ and cited six compelling factors in support of that conclusion;
5. My review of MJ's VSDB-S record reveals that he had an extensive history of severe behavior problems and sexually inappropriate behavior for almost two years before the VSDB-S staff person's boyfriend visited the VSDB-S campus in May and June of 1996.

#### **V. RECOMMENDATIONS**

Due to a lack of evidence in support of the alleged abuse of MJ at VSDB-S by the boyfriend of a VSDB-S staff person during May and June of 1996, I recommend that this investigation be closed. The VaDOE investigation concluded that VSDB-S had failed to comply with several internal policies concerning visitors to the facility. VaDOE's investigation report states, however, that VSDB-S corrected the identified deficiencies during the course of VaDOE's investigation.